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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/879,175	06/13/2001	Ronald Maria Albert Geens	Q64846	3647
7590	11/19/2004	EXAMINER		
SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC 2100 Pennsylvania Avenue, N.W. Washington, DC 20037-3213			HAN, CLEMENCE S	
ART UNIT		PAPER NUMBER		2665

DATE MAILED: 11/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/879,175	GEENS, RONALD MARIA ALBERT
	<b>Examiner</b>	<b>Art Unit</b>
	Clemence Han	2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 13 June 2001.  
 2a) This action is **FINAL**.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-4 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-4 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>6/13/01</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. An initialed and dated copy of Applicant's IDS form 1449, received on June 13, 2001, is attached to the instant Office action.

### ***Response to Preliminary Amendment***

2. Responsive to preliminary amendment received on June 13, 2001, amended claim 3 is entered as requested.

### ***Claim Objections***

3. Claim 1 is objected to because of the following informalities: There is a typographical error in line 11, "signalfor". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 3 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. Each of the claims is an omnibus type claim. Referring to claim 3, the claim recites "including a communication stack as claimed in claim 1". It is indefinite what limitations of claim 1 regarding the communication stack are

included or excluded. Claim 4 is also rejected as being indefinite for the same reasoning as indicated above.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claim 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Grant et al. (US Patent 5,027,269).

Regarding claim 1, Grant teaches communications stack (SNA in Column 1 Line 16-22), for connection management, to be used in a communications system comprising at least two communicating application programs (Column 1 Line 41-47), said application programs each communicating over a connection (Column 1 Line 48-51) via said communications stack, said communications stack comprising the following means: connection resetting means, adapted to reset said connection by closing all connection involved elements (Column 7 Line 4-8); and signal reception means, adapted to receive at least one signal for managing said connection (Column 5 Line 65-68), connection persisting means, coupled with an input to an output of said connection resetting means and adapted to keep said

connection persistent (Column 6 Line 23-26), CHARACTERISED IN THAT said communications stack further comprises the following means: decision means, coupled with an input to an output of said signal reception means and with an output to an input of said connection resetting means and adapted to delay said reset of said connection (Column 7 Line 19-22) if said at least one signal is a terminated application signal and subsequently decide to persist said connection if a further said at least one signal is a successful application restart signal (REC COMP in Figure 2) and said application restart signal is received before expiration of said delay (the safety timer in Column 7 Line 2-3).

Regarding claim 3, Grant teaches Communication Network Element (Column 1 Line 23-30) including a communication stack (SNA in Column 1 Line 16-22) as claimed in claim 1.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Grant et al..

Regarding claim 2, Grant teaches said decision means additionally is adapted to change said delay (the safety timer in Column 7 Line 2-3) based on said application program (Column 5 Line 14-15). Grant, however, does not teach the delay based on a restart time of the application program. The functions of the delay are both to give enough time to attempt to restart failed application (Column 3 Line 54-55) and to prevent waiting for the restarting of the failed application indefinitely (Column 3 Line 61-64). The restart time of an application is the minimum time for attempting to restart a failed application. It would have been obvious to one skilled in the art to modify Grant to base the delay on the restart time of the application in order to avoid costly reconnection (Column 1 Line 55-60).

10. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Grant et al. in view of Cain et al. (US Patent 6,757,289).

Regarding claim 4, Grant teaches Communication Network Element (Column 1 Line 23-30) including a communication stack (SNA in Column 1 Line 16-22). Grant, however, does not teach the Communication Network Element as a Border Gateway Protocol Router. Cain teaches the Communication Network Element 12 as a Border Gateway Protocol Router (Column 7 Line 54). It would have been obvious to one skilled in the art to modify Grant to use Border Gateway

Protocol Router as taught by Cain in order to communicate with other routers  
(Column 7 Line 51).

***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to the communication in general.

U.S. Patent 5,937,165 to Schwaller et al.

U.S. Patent 6,182,139 to Brendel

U.S. Patent 6,779,033 to Watson et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clemence Han whose telephone number is (571) 272-3158. The examiner can normally be reached on Monday-Thursday 7 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*C.H.*  
Clemence Han  
Examiner  
Art Unit 2665



ALPCS H. HSU  
PRIMARY EXAMINER